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OFFICE OF PETITIONS

In re Application of	:	
Shah et al.	:	
Application No. 10/063,151	:	DECISION ON PETITION
Filed: March 26, 2002	:	
Attorney Docket No. 201-0171 CLH	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)," filed August 20, 2004. For the reasons set forth herein, the petition is properly considered as a petition under § 1.181 to withdraw the holding of abandonment.

The petition under § 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to file a response to the NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION mailed May 18, 2004. The Notice stated that Figure 12 was listed in the Brief Description of the Drawings in the specification but not contained in the Drawings. The Notice set a time period of ONE MONTH OR THIRTY (30) DAYS, whichever was longer. No reply was received. A Notice of Abandonment was mailed on July 27, 2004.

In response, applicants filed the instant petition. Petitioners state that a preliminary amendment was filed on May 9, 2002, which achieved what was requested in the Notice. Further, petitioners submit copies of their docket records to show that the Notice was not received.

The petition has been considered, and the prosecution history reviewed, and it has been determined that withdrawal of the holding of abandonment is warranted. A review of the record reveals that, as stated by petitioners, a preliminary amendment deleting the paragraphs that referenced Figure 12 from the specification was filed on May 9, 2002.

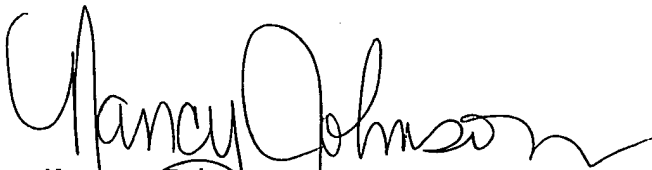
The Notice of Drawing Inconsistency with Specification mailed May 18, 2004, was mailed in error and is hereby vacated.

In view thereof, the notice of abandonment mailed July 27, 2004 is hereby **vacated**, and the holding of abandonment is hereby **WITHDRAWN**.

Since consideration of the petition under § 1.137(a) is unnecessary for the reasons cited, the petition fee (\$110) is not required. Accordingly, although authorized, no petition fee has been charged to the Deposit Account.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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